

REMARKS

This Amendment is fully responsive to the non-final Office Action dated November 25, 2008, issued in connection with the above-identified application. Claims 66-85 were previously pending in the present application. With this Amendment, claims 72, 76, 79 and 82-86 have been amended; and claims 87-89 has been added. Thus, claims 66-89 are now pending in the present application. No new matter has been introduced by the amendments made to the claims or by the new claims added. Favorable reconsideration is respectfully requested.

In the Office Action, the Examiner indicates that claims 66-78, 84 and 85 are considered allowable if corrected to address the outstanding rejections to the claims under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph. The Applicants have addressed the rejections to the above claims under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph, as noted below. Accordingly, claims 66-78, 84 and 85 should now be in condition for allowance.

In the Office Action, claims 72, 82, and 84-86 have been objected to because of minor informalities. Claims 72, 82 and 84-86 have been amended to correct the informalities noted by the Examiner. The Amendments made to the above claims are consistent with the recommendation made by the Examiner. Withdrawal of the objection to claims 72, 82 and 84-86 is respectfully requested.

In the Office Action, claims 66-86 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that each claim recites an information presentation system including multiple devices (i.e., a playback device, a management device, a terminal device, etc.), and it is not clear whether each device is equipped with at least one processor and a memory. Additionally, the Examiner suggests including at least one processor and a memory in each of the devices noted above and to explain how a processor and a memory can be utilized in each of the devices in the claimed information presentation system.

However, although the Applicants appreciate the Examiner's suggested claim changes, the Applicants respectfully point out that the current disclosure clearly describes the structural elements recited in the claims and further similarly describes that each of the playback device, a management device, and a terminal device are computer systems including a processor, memory

and other structural elements for performing the features recited in the corresponding claims.

For example, Fig. 2 shows that the playback apparatus 200 is made up of a control unit 201, a transmission/reception unit 202, a drive unit 203, a playback unit 204, a storage unit 205, an input unit 206, and a display unit 207. Specifically, the playback apparatus 200 is a computer system made up of a microprocessor, a ROM, a RAM, a hard disk unit, or the like. The RAM or the hard disk unit stores therein a computer program. The playback apparatus 200 accomplishes its function by the microprocessor operating according to the computer program (see also pgs. 7-12).

As another example, Fig. 4 shows that the library information management apparatus 300 is made up of a control unit 301, a transmission/reception unit 302, a storage unit 303, an input unit 304, a display unit 305, and a billing unit 306. Specifically, the library information management apparatus 300 is a computer system made up of a microprocessor, a ROM, a RAM, a hard disk unit, or the like. The RAM or the hard disk unit stores therein a computer program. The library information management apparatus 300 accomplishes its function by the microprocessor operating according to the computer program (see also pgs. 13-20).

As noted above, the playback device, a management device, and a terminal device are structural elements performing the features recited in the corresponding claims. Accordingly, it is not believed to be necessary to include additional structure to claims 66, 67, 79 and 86 given that the claims currently recites structural features clearly described in the Applicants' disclosure such that one of ordinary skill in the art would understand the present invention, as claimed.

With regard to claims 84 and 85, the Applicants have amended independent claims 84 to associate each step recited in the claim with the device or apparatus needed to perform the steps; and claim 86 is directed to a program product or the like (i.e., a computer-readable medium on which a program is stored). As recited in claim 86, a program is stored on a computer-readable recording medium. It is well established that programs impart functionality when stored or employed as a computer component. Additionally, software (i.e., functional descriptive material) recorded on a computer-readable medium becomes structurally and functionally interrelated to the medium and will be statutory in most cases (see MPEP 2106.01).

Accordingly, it is not believed to be necessary to include additional structure to claims 84

and 85 given that the claims currently recites structural features clearly described in the Applicants' disclosure such that one of ordinary skill in the art would understand the present invention, as claimed. Thus, withdrawal of the rejection to claims 66-86 under 35 U.S.C. 112, second paragraph, is respectfully requested.

In the Office Action, claims 66-86 have been rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleges that independent claim 66, 67, 79 and 84-86 each recited an "information presentation system" including multiple devices, and is not clear whether each device is equipped with at least a processor and memory, wherein a memory stores a program. Therefore, the Examiner alleges that the above claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101.

However, as noted above (i.e., in addressing the rejection under 35 U.S.C. 112), the Applicants respectfully point out that the current disclosure clearly describes the structural elements recited in the claims and further similarly describes that each of the playback device, a management device, and a terminal device are computer systems including a processor, memory and other structural elements for performing the features recited in the corresponding claims.

Thus, with regard to independent claims 66, 67, 79 and 86, the claims are clearly directed to an apparatuses and a system (i.e., machine) that include subject matter that falls within one of the four enumerated categories of patentable subject matter.

With regard to independent claims 84, the Applicants have amended independent claims 84 to associate each step recited in the claim with the device or apparatus needed to perform the steps; and claim 86 is directed to a program product (i.e., a computer-readable medium on which a program is stored). As recited in claim 86, the program is stored on a computer-readable recording medium; and software (i.e., functional descriptive material) recorded on a computer-readable medium becomes structurally and functionally interrelated to the medium and will be statutory in most cases (see MPEP 2106.01). Accordingly, withdrawal of the rejection to claims 66-86 under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 79, 80, 83 and 86 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka et al. (U.S. Publication No. 2002/0165987, hereafter

“Arisaka”) in view of Yuasa et al. (U.S. Publication No. 2002/0138379, hereafter “Yuasa”). The Applicants have amended independent claims 79 and 86 to help further distinguish the present invention from the cited prior art. Claim 79, as amended, recites the following features:

“[a] terminal device included in an information presentation system together with a playback device and a management device, the terminal device being a different entity from the playback device, and the terminal device comprising:

an input-receiving unit operable to receive an input from an external source;

a presentation-information acquiring unit operable to acquire, according to a received input from the management device storing therein (i) a content identifier that identifies a content having been played back by the playback device and (ii) rental information that shows whether the content is a rental content or a content owned by a user, presentation information that is generated using the content identifier and the rental information; and

a presentation unit operable to display the acquired presentation information.” (Emphasis added).

The features emphasized above in independent claim 79 are similarly recited in independent claim 86. Additionally, the features emphasized above are fully supported by the Applicants’ disclosure.

The present invention (as similarly recited in independent claims 79 and 86) is directed to a terminal device included in an information presentation system together with a playback device and a management device, wherein the terminal device is a different entity from the playback device. The terminal device includes a presentation-information acquiring unit that acquires, according to the received input and from the management device storing therein (i) a content identifier that identifies content having been played back by the playback device and (ii) rental information that shows whether the content is rental content or content owned by a user, presentation information that is generated using the content identifier and the rental information.

When purchasing a DVD or BD at a store away from home, a user may come across the situation in which the user wants to check whether the content viewed in the past is rental content or content owned by the user. In such case, the terminal device of the present invention acquires, from the management device, the presentation information including rental information

that shows whether played back content is rental content or content owned by the user, and presents the acquired presentation information. This allows the user to check, by referring to the rental information, whether played back content has been purchased and owned by the user, or was just rented in the past. Thus, the problem of a user mistakenly purchasing again content that has already been owned by the user; or forgetting to purchase content that was rented in the past but has not been purchased, can be avoided.

In the Office Action, the Examiner relies on Arisaka in view of Yuasa for disclosing or suggesting all the features recited in independent claims 79 and 86. However, the Applicants assert that Arisaka in view of Yuasa fails to disclose or suggest all the features recited in independent claims 79 and 86, as amended.

Arisaka discloses a system or a method that is capable of continuously performing content (e.g. e-book) playback between different terminals. Specifically, Arisaka discloses that “[t]he playback data management device 210 receives content identifiers, playback continuation information, and terminal types (terminals are set up with information indicating content types that can be displayed by the terminals or content types that users would like to play back) from the playback terminal device 220 via the communication line 240.” “The playback data management device 210 sends playback start information and converted content to the playback terminal device 220” (see e.g., paragraph [0030]). Additionally, Arisaka discloses that “the playback data management device generates playback start information, indicating whether playback of the digital content is to start at the beginning or at an intermediate point, and content converted to suit the terminal type and the like” (see e.g., paragraph [0034]).”

Thus, with the system disclosed in Arisaka, it is possible to start playback of content at a point in which the playback is interrupted. However, Arisaka neither discloses nor suggests all the feature of the present invention (as recited in independent claims 79 and 86) i.e., “acquiring and presenting rental information that shows whether the content having been played back is rental content or content owned by the user.” Therefore, even if the system in Arisaka is used, the user cannot find out whether the content viewed in the past is rental content or content owned by the user.

Conversely, the present application (as recited in independent claims 79 and 86) provides

the advantageous effect that a user can (i) check whether the content viewed in the past is rental content or content owned by the user even when the user is away from home, and (ii) can avoid, when purchasing a DVD or the like, mistakenly purchasing again content that has already been purchased; or forgetting, on the other hand, to purchase content that was rented in the past but has not been purchased. Moreover, after a detailed review of Yuasa, the reference fails to overcome the deficiencies noted above in Arisaka.

Yuasa discloses an information lease management system (see e.g., from paragraph [0047] onward). Specifically, Yuasa discloses that “[f]or example, utilization condition information concerning a lease of the information contents is added to the information contents, and is processed so as to be distributed to the a user. The utilization condition information includes the lease period of information contents determined in accordance with a contract, the lease charge, the age limitation, and the settlement method or the like” (see e.g., paragraph [0050]).

Also, Yuasa discloses, in paragraph [0057], “[o]n the other hand, an information processing apparatus 3 such as home AV server is provided at the user side, and the information processing apparatus 3 and information lease management apparatus 1 are connected to each other by the above described communication means 2 so that the information contents with utilization condition information distributed from this information lease management apparatus 1 are received and rented.” Also, Yuasa discloses, in paragraph [0058], that “[f]or example, a recording medium 4 with its time limit storage function that can be automatically erased is mounted on the information processing apparatus 3, and the information contents downloaded from the information lease management apparatus 1 is stored. In addition, when the lease period has expired, the rented information contents are automatically erased based on the utilization condition information.”

In view above, with the system disclosed in Yuasa, information to which the utilization condition information is added is rented to the user from the information lease service provider. The utilization condition information shows conditions for utilizing the information received and rented by the user; and the user utilizes the received and rented information within the conditions shown by the utilization condition information.

Thus, while “utilization condition information” of Yuasa is information showing conditions for utilizing information received and rented by the user, the “rental information” of the present invention (as recited in independent claims 79 and 86) is information showing whether the played back content is rental content or content owned by the user.

To that end, since the “utilization condition information” of Yuasa and the “rental information” of the present application are different from one another, Yuasa neither discloses nor suggests all the features of the present invention (i.e. “acquiring and presenting rental information that shows whether the content having been played back is rental content or content owned by the user”).

Additionally, similar to Arisaka, using the system in Yuasa, a user can utilize the content within the conditions shown by the utilization condition information. However, the user cannot check whether the content viewed in the past is rental content or content owned by the user. Therefore, the following problems arise that the user may mistakenly purchase content that has already been owned by the user; or may forget to purchase content that was rented in the past but has not been purchased.

Conversely, as noted above, the present application (as recited in independent claims 79 and 86) provides the advantageous effect that the a user can (i) check whether the content viewed in the past is rental content or content owned by the user even when the user is away from home, and (ii) can avoid, when purchasing a DVD or the like, mistakenly purchasing again content that has already been purchased by the user; or forgetting, on the other hand, to purchase content that was rented in the past but has not been purchased.

Based on the above discussion regarding Arisaka and Yuasa, no combination of the references would result in, or otherwise render obvious, independent claims 79 and 86 (as amended). Likewise, no combination of the references would result in, or otherwise render obvious, claims 80 and 83 at least by virtue of their dependencies from independent claim 79.

In the Office Action, claims 81 and 82 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka in view of Yuasa, and further in view of Milton (U.S. Publication No. 2002/0059120).

Claims 81 and 82 depend from independent claim 79. As noted above, Arisaka in view of Yuasa fails to disclose or suggest all the features recited in independent claim 79. Moreover, Milton fails to overcome the deficiencies noted above in Arisaka and Yuasa.

Specifically, Milton discloses a content distribution system wherein “[t]he user device allows the user to gain access to the services and information available on the Internet. Access to such services may include, purchasing of a media content from a vendor, storing said purchased media content with a selected Media Access Provider 140 and requesting receiving a media content stream from the Media Access Provider 140 from a remote location” (see e.g., paragraph [0025]).

Additionally, as described in Milton, “[t]he vendors 110 are simply resellers of media contents, e.g., online stores such as Amazon.com, Buy.com and the like (see e.g., paragraph 0027)”; and “[w]hen a user purchases a media content from the vendor, a virtual inventory receipt is generated by the vendor that confirms the purchase of the selected media content and the like” (see e.g., paragraph [0027]).

That is, Milton discloses a system in which the user purchases a media content, and uses the purchased media content. However, Milton neither discloses nor suggests all the features of the present invention (as recited in independent claim 79) i.e., “acquiring and presenting rental information that shows whether the content having been played back is rental content or content owned by the user.” Therefore, even if the system in Milton is used, the user cannot find out whether the content viewed in the past is rental content or content owned by the user.

Since Yuasa, Arisaka and Milton fail to disclose or suggest all features of the present invention (i.e., “acquiring and presenting rental information that shows whether the content having been played back is rental content or content owned by the user”) as recited in independent claim 79, no combination of Yuasa, Arisaka and Milton would result in, or otherwise render obvious, claims 81 and 82 at least by virtue of their dependencies from independent claim 79.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action and pass this application

issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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